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10/659,854

09/10/2003

Dong Kyu Lee

2060-3-58

5037

35884

7590

04/24/2009

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EXAMINER

AL AUBAIDI, RASHA S

ART UNIT

PAPER NUMBER

2614

NOTIFICATION DATE

DELIVERY MODE

04/24/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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ip.hlaw@gmail.com  
ip.hlaw@live.com

|                              |  |                                      |  |
|------------------------------|--|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/659,854   | <b>Applicant(s)</b><br>LEE, DONG KYU |  |
|                              | <b>Examiner</b><br>RASHA S. AL AUBAIDI | <b>Art Unit</b><br>2614              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01/09/2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. In view of Applicant's after final amendment filed on 01/09/2009, PROSECUTION IS HEREBY REOPENED. New ground of rejection set forth below. Claims 1-16 and 21 are pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Chung et al. (Pub. No.: 2003/0002476) in view of Son et al. (US PAT # 7,457,278).

Regarding claim 1, Chung teaches in an integrated internet phone call routing system a system and method directed to a call setup procedure for call being place by phone-to-computer and/or computer-phone [see, 0005-0006, 0011 and 0028]. Chung teaches the use of a gateway that id designated to convert and translates protocols when placing calls from/to two different networks (i.e., VOIP and PSTN) [see 0025, 0031]. Chung also discuss that a terminal at a second network (PSTN) may transfer an

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alert signal (i.e., ring signal) in response to receiving a call connection from another party from the first network [see 0028, lines 64-67 and lines 1-2].

Although the Examiner believes that the use of “ring back tone” is obvious and well known in the art of telephony.

However, Chung does not specifically teach does not specifically teach the use of “ring back tone” as recited in the claim language.

Thus, the Examiner introduces Son which teaches a terminal connection device , after receiving the response from the VoIP gateway 50b, the IP network 2 transmits to the VoIP gateway 50a an MDCX command indicating that the VoIP gateway 50b calls the telephone terminal 70b (S56a). After receiving the MDCX command, the VoIP gateway 50a transmits to the telephone terminal 70a a **ring back tone** (S56b), and sends to the IP network 2 a response to the MDCX command (S56c) (see col. 14, lines 56-62, col. 15, lines 11-20 and col. 16, lines 19-25). Note that a ring back tone is exchanged between terminals in response to generating call setup request.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of utilizing ring back tone between terminals, as taught by Son, into the teachings of Chung in order to **inform and alert**

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users of Chung at terminals upon establishing calls. Again, the use and advantages of “ring back tones” are old and well known in the art of telephony.

Claims 8-9, 11 and 21 are rejected for the same reasons as discussed above with respect to claim 1. The claimed feature of “decision section for deciding whether to generate a ring back tone ...etc” as recited in claim 9, is extremely obvious. These kinds of decisions are made in seamless matter that requires no intervention from a user. The claimed “signal processor” as recited in claim 9, is inherent if not obvious.

Regarding claims 2 and 10, Chung teaches the use of real-time protocol [see 0029].

Claims 3 and 12 recite “storing the ring back tone data; and reading the stored ring back tone data according to a “first-in first-out” method so as to insert the ring back tone data to the response message”. Storing a ring back tone data cording to a “first in first out” is obvious, since “first-in first-out” method is old and well known in the art in the queuing system.

Regarding claims 4 and 13, Chung teaches providing appropriate voice tuning depending of the type of connection [see 0017].

Claims 5-6 and 14-15 limitation are obvious and well known in the art. One can obviously set any kind of identification parameters such as phone number, prefix, and type of the call, time or the day ...etc. see also discussion of Son col. 7, lines 65-67 and col. 8, lines 1-8.

Regarding claims 7 and 16, this can read on the user going off hook. Obviously when a user goes off hook and answers the call there is no more ring back tone generated.

### ***Response to Arguments***

3. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rasha S AL-Aubaidi/

Primary Examiner, Art Unit 2614